

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDERY HERRERA,

Plaintiff,

-v.-

SIMPSON & VAIL, INC.,

Defendant.

24 Civ. 8496 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

Plaintiff alleges that Defendant's website is not accessible to blind and visually impaired customers and, thus, violates Title III of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12181 *et seq.* By separate Order today, the Court is referring this case to the designated Magistrate Judge for General Pretrial Purposes, including settlement.

In addition, in an effort to achieve a faster disposition of this matter, to conserve resources, and to promote judicial efficiency, it is hereby ORDERED that the parties shall discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before the designated Magistrate Judge.


If the parties consent to proceed before the Magistrate Judge, counsel for the Defendant must, **within two weeks of the date on which Defendant enters an appearance**, file on ECF a fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form (available at <https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf>). The executed form should be filed using the "Proposed Consent to Jurisdiction by US Magistrate Judge" filing event in accordance with ECF Rule 13.27. If the Court approves that form, then all further proceedings will be conducted before the designated Magistrate Judge.

If either party does not consent to conducting all further proceedings before the designated Magistrate Judge, then the parties must file a joint letter, **within two weeks of the**

**date on which Defendant enters an appearance**, informing the Court that the parties do not consent, but without disclosing the identity of the party or parties who do not consent. The parties are free to withhold consent without negative consequences.

SO ORDERED.

Dated: November 12, 2024  
New York, New York



---

JENNIFER H. REARDEN  
United States District Judge